
Appeal Decision

Site visit made on 7 January 2014

by Jane Miles BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 February 2014

Appeal Ref: APP/E0345/A/13/2209172

242 Gainsborough Road, Reading RG30 3BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J R Lloyd against the decision of Reading Borough Council.
 - The application ref: 131242, dated 3 September 2013, was refused by notice dated 30 October 2013.
 - The development proposed is construction of an end of terrace two storey house.
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Decision

1. *The appeal is allowed and planning permission is granted for construction of an end of terrace two storey house at 242 Gainsborough Road, Reading RG30 3BP, in accordance with the terms of the application, ref: 131242, dated 3 September 2013, subject to the conditions listed at the end of this decision.*

Preliminary Matters & Background

2. The appellant has submitted a unilateral undertaking to address the Council's second refusal reason relating to the need to make provision for physical and social infrastructure. In response to subsequent comments made by the Council and a further exchange between the parties, the undertaking was re-submitted with amendments on 12 February 2014. I have had regard to the amended version in determining the appeal.
3. The Council's supplementary planning document (SPD) 'S106 Planning Obligations' (replacing the 2004 guidance) was adopted in November 2013 after the appeal application was refused: I have had regard to the 2013 SPD in determining the appeal.
4. The current proposal to add another dwelling onto the end of an existing terrace follows a previous scheme for an additional dwelling that was refused by the Council and subsequently dismissed on appeal¹ in 2008. A planning permission was subsequently granted for a first floor extension above an existing ground floor extension at the side of the property. That permission has not been implemented: a further application to renew it has been submitted but, as I understand it, is yet to be determined.

Reasons

5. The **first main issue** is the effect of the proposal on the character and appearance of the street scene and surrounding area.

¹ Appeal ref: APP/E0345/A/08/2060904, decision dated 16 July 2008

6. No. 242 is part of a residential estate that is characterised primarily by terraces and some semi-detached pairs that all appear to be of similar age, form and design. The estate layout is relatively spacious, especially around road junctions where many corner properties occupy particularly wide plots. These contribute to the openness around street junctions which is an important element of the area's character.
7. No. 242 occupies one such corner plot, at the junction with Frogmore Way. However, as noted by the previous Inspector, on the opposite side of Frogmore Way are medium to high rise flats of distinctly different character. Moreover that part of the flatted development on the opposite corner to the appeal site is a single storey garage court. There is therefore a greater sense of spaciousness around this junction than others on the estate which have two-storey buildings all around them.
8. The 2008 Inspector dismissed the previous appeal primarily because of the intrusive effect of the built form then proposed on the open area around the junction. However, it is apparent from the copy plans that the dwelling in that scheme would have been wider than the one now proposed, projecting further into the open area. The current proposal would be some 4m from the plot's side boundary, at the closest point, and around 2.25m wider than the previously permitted side extensions.
9. Having regard to the reduced scale of the proposal (compared with the previous scheme), the scale of extensions previously permitted by the Council and the low level development on the opposite corner of Frogmore Way, I find that the proposed dwelling would not unacceptably encroach into the open area around the junction. Nor would it cause material harm to the established character of the street scene and surrounding area.
10. I note the various permissions for developments on corner plots elsewhere on the estate, mentioned in the representations, some of which post-date the 2008 appeal decision. The visual impacts of those that I saw during my visit vary according to their positions in relation to the streets and neighbouring buildings. This highlights the importance of considering each proposal on its merits and in its individual site context, as I have done in this case.
11. I conclude that the proposal would not unacceptably harm the character and appearance of the street scene and surrounding area. It would not conflict with development plan policies² or with policy guidance in the *National Planning Policy Framework*.
12. The **second main issue** is the adequacy of provision for physical and social infrastructure, primarily affordable housing, education, transport and leisure facilities.
13. The overall policy justification for contributions towards such provision is set out in development plan policies, with further guidance in the SPD, and the Council has provided written justifications for the contributions it is seeking in this particular case. The appellant's undertaking makes provision for the requested education and transport contributions and I am satisfied that planning obligations to this effect satisfy the statutory tests in Regulation 122 of the *Community Infrastructure Levy (CIL) Regulations 2010*. Moreover the Council has confirmed in writing that the contribution of £8,250 towards the provision of affordable housing elsewhere in the Borough is now agreed.

² Policy CS7 of the Council's Core Strategy (CS) and Policy DM11 of its Sites and Detailed Policies Document (DPD)

14. The outstanding issue is the leisure contribution. The Council relies on a strict interpretation of the SPD calculation method which is based on floorspace: the contribution is set at £2,100 for a dwelling of less than 75 sqm and £2,800 for one exceeding 75 sqm. The Council and appellant both refer to the proposed house as measuring 76 sqm such that the Council considers £2,800 is required. The appellant highlights the differences between this calculation method and those for education and transport contributions, each of which is based on the number of bedrooms. In each case the lowest category is, in effect, small dwellings of up to two bedrooms. Notes to SPD Table 4 suggest the £2,100 contribution towards open space provision is also a rate for small dwellings³.
15. I note the SPD has gone through an appropriate process of consultation and adoption, and rolls forward previous guidance. Even so, it is the occupiers of a dwelling who will increase the demands on leisure and open space facilities, and presumably the use of floorspace in Table 4 is intended to reflect this. The proposed two bed dwelling would undoubtedly be a small dwelling. From a common sense point of view it is inconceivable that just one additional square metre above the 75 sqm threshold would materially increase demands on leisure infrastructure.
16. Moreover, the consultation response from the Council's Project Manager (Parks)⁴ requests a contribution of only £2,000. In these circumstances I am satisfied that the lower contribution of £2,100 provided for in Clause 1.1 of the undertaking is sufficient in this particular case and that the obligation to this effect meets the statutory tests.
17. I conclude therefore that the various sums specified in Clause 1.1 of the amended unilateral undertaking would ensure adequate provision for physical and social infrastructure and that they are necessary to make the development acceptable in planning terms: thus there is no need to substitute either of the alternative amounts specified in Clause 9. I further conclude there would be no material conflict with the objectives of relevant development plan policies⁵ and the associated SPD.
18. I have had regard to all other matters raised but have found nothing so significant as to alter or outweigh my conclusions on the main issues. These indicate that the appeal should succeed and planning permission should be granted subject to conditions.
19. A condition specifying the approved plans is needed for the avoidance of doubt and in the interests of proper planning and one relating to materials is needed in the interests of visual amenity. With regard to boundary treatments, the only area of uncertainty on the 1:200 block plan is the area of the proposed parking spaces: a condition relating to this area is all that is required, in the interests of visual amenity. For the same reason it is appropriate to specify retention of the boundary hedge (which contributes to the area's character, unlike the tall conifer trees to be removed). Parking spaces and access to those spaces are also indicated on the block plan, but it is necessary to ensure such provision is put in place, in the interests of highway safety.
20. As the general thrust of CS Policy CS1 supports the suggested conditions requiring compliance with Level 3 of the Code for Sustainable Homes, and the appellant has not expressed any concerns about this matter, I consider it

³ Notes a, b and c all cite £2,100 as the 'small dwelling rate'

⁴ Dated 3 December 2013, after adoption of the 2013 SPD

⁵ CS Policies CS9 and CS29; DPD Policies DM3 and DM6

reasonable to impose a condition to this effect, albeit in a much simpler form. Given the relationship that would be created with the existing no. 242, it is reasonable and necessary to restrict permitted development rights to extend at the rear of the new house. However, given the scale of the proposal, the appeal site location and powers under other legislation, I am not persuaded that a construction method statement is needed in this particular case.

21. The conditions I shall impose are based on those suggested by the Council with some amendment in the interests of precision and clarity. Planning permission is therefore granted subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: 1:1250 site location plan; drawing no. 2013/016/01 (layout plan and elevations); drawing no. 2013/016/02 (block plan).
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the adjoining building, no. 242 Gainsborough Road.
- 4) No development shall take place until details of the position, design, height and materials of all boundary treatments to the parking area that is indicated on the approved block plan have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, before the dwelling hereby permitted is occupied.
- 5) The existing hedge to the eastern/south-eastern boundary, which is indicated on the approved block plan for retention, shall not be removed unless its removal and details of replacement planting have been submitted to and approved in writing by the local planning authority.
- 6) The dwelling hereby permitted shall not be occupied until the parking spaces, and vehicular access to them, have been provided as indicated on the approved block plan and made available for use. The spaces shall be retained thereafter and kept available at all times for vehicle parking.
- 7) The dwelling shall achieve Level 3 of the Code for Sustainable Homes. It shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions shall be made to the rear (north) elevation of the dwelling hereby permitted.

Jane Miles

INSPECTOR